



March 10, 2017

Via E-mail Submission

Anthony J. Hood, Chairman
D.C. Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001
c/o Sharon Schellin
zcsubmissions@dc.gov

Re: Comments Regarding Vesting Rights under Z.C. Case No. 14-11B

Dear Chairman Hood and Commissioners:

We are writing to express our concern about the implementation process, and related vesting rights of property owners, under Zoning Commission Case No. 14-11B (the “Amendments”). We also have concerns about the substance of several of the Amendments. However, while we will eventually adjust to the new Regulations, an immediate implementation would have significant financial consequences for us and other property owners (and employees, contractors, partners, etc.) who have made significant investment decisions with an expectation of certain property rights afforded under existing Zoning Regulations.

As we understand it, if the Amendments are adopted as currently written, a property owner would be required to have a building permit approved and issued prior to the effective date of the Amendments, which we understand may be imminent. In other similar situations, the Commission has acknowledged the need for property owners and investors to be able to rely on existing laws, and the possible unfairness which may result from an immediate implementation of new Regulations, because of the impact of those new Regulations on those in the permit review or design phases of their projects. In those cases, the Commission has provided specific vesting provisions which either delay the implementation date of the new regulations, and/or provide that an owner may vest under the pre-existing Regulations if that owner has already submitted a fully-completed building permit application.

We respectfully request that the Commission include such a provision in this case as well. We would suggest a delayed implementation of at least three (3) months, with vesting occurring with the filing of building permit application - accepted by DCRA as complete - before that three (3) months has elapsed. We believe this time period would prevent most of the potential damage to property owners who have already undertaken investment activities such as purchasing properties, engaging professionals, designing and drafting plans, pursuing permit applications at DCRA, and undertaking other activities typically done well in advance of permit issuance with certain expectations.

The provision that vesting occur at building permit application, rather than issuance, is especially critical at a time when building permit applications languish at DCRA for many months, and a



property owner has little control over the speed of that approval process. Such a vesting provision also takes pressure off of DCRA staff to quickly issue building permits which might be affected by the Amendments. If vesting occurs at permit application, the property owner and DCRA are free to prudently evaluate, revise, and correct, if necessary, the details of that permit application without fear that the property owner's investment will be wiped out upon the implementation of the new Regulations.

Finally, we believe it is a basic issue of fairness that property owners and others should be able to rely on existing law when they begin and pursue projects for which they risk significant investment, whether those investments be of a personal or a business nature. The fair solution would be to allow projects begun under one set of Regulations to reasonably be completed under those same Regulations.

In our particular case, we would suffer tremendous financial consequences if the Amendments are made effective immediately. We originally purchased the subject property on June 12, 2015, well before the introduction of the Amendments. We applied for a foundation permit in September, 2015. We hired an architect in June, 2015, and have spent over \$46,000 in architectural fees to date. In addition to time and money spent, the loss in property value from what our expectation was when we purchase the property is estimated to be between \$500,000 and \$700,000.

Due problems with our first architect, we had a previous permit application inadvertently canceled, and we have been working with DCRA since then to get the permit application revised and approved. The revised application is just now ready to be submitted (finding quality architects with time on their hands is becoming very difficult). If the Amendments become effective before we receive our permit, all of the time and money spent on this will be lost, in addition to the lost value from the original expectation based on existing Regulations.

We urge the Commission to consider those of us who are in the process of designing and developing projects based on the existing Regulations, and allow us the necessary transition time to complete those projects under those rules.

Sincerely,

A handwritten signature in black ink that reads "Tarique Jawed". The signature is written in a cursive style with a large initial 'T'.

Tarique Jawed,
Stony Creek Homes